

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)
)
Plaintiff,) **AMENDED ORDER**
)
vs.)
)
Aundra Leon Fontenot,) Case No. 1:17-cr-083
)
Defendant.)

Defendant is charged in an Indictment with two offenses: (1) conspiracy to distribute an possess with intent to distribute controlled substances; and (2) possession with intent to distribute methamphetamine. He ordered detaining following a detention hearing on April 25, 2017. He is being housed at the Heart of America Correctional and Treatment Center (“HACTC”) in Rugby, North Dakota.

On July 11, 2017, defendant filed a “Motion for Temporary Release from Custody.” He requests to be temporary released from HACTC so that he may attend a 45-day treatment program at the VA Black Hills Health Care System in Hot Springs, South Dakota (hereinafter referred to the “Hot Springs VA”). In addition to providing the court with his travel itinerary, he advises that the Government has no objection to his temporary release.

There being no objection from the Government, the court **GRANTS** defendant’s motion (Docket No. 179). Defendant shall be released from custody no earlier than 5:30 a.m. on July 18, 2017, subject to the following conditions:

- (1) Defendant shall not violate federal, state, tribal, or local law while on release.
- (2) Defendant shall appear in court as required and surrender for any sentence imposed.

- (3) Defendant shall report to the Pretrial Services Office at such times and in such manner as designated by the supervising officer.
- (4) Defendant shall refrain from the use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner, and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection progress or specimen may be considered the same as a positive test.
- (5) Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by the Pretrial Services Officer at the request the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
- (6) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- (7) Defendant shall reside at the Hot Springs VA, comply with all of its rules and regulations, and fully participate in its treatment program. Upon arriving at the Hot Springs VA, defendant shall immediately contact Pretrial Services Officer Baily Kruger at (701) 530-2314.
- (8) Defendant shall sign all releases of information requested by the Pretrial Services Officer to monitor his progress and participation in the treatment program.

- (9) At least four days (4) before completion of, or upon termination from, the Hot Springs VA treatment program, defendant shall contact the Pretrial Services Officer to discuss his living arrangements.
- (10) Upon his discharge from the Hot Springs VA, defendant shall report to and reside at a residential facility designated by the Pretrial Services Office, comply with the residential facility's rules and regulations, and participate in all recommended programming. If the Pretrial Services Officer determines either that the residential facility lacks space for defendant or that a placement of defendant at a residential facility is inappropriate, defendant shall return to HACTC with the understanding that he shall be detained pending further proceedings.

IT IS SO ORDERED.

Dated this 17th day of July, 2017.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court